



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-N

Robert A. Bennett, State Director  
Bureau of Land Management  
Wyoming State Office  
P.O. Box 1828  
Cheyenne, Wyoming 82003-1828

Re: Draft Environmental Impact Statement for the Overland Pass  
Natural Liquids Pipeline Project,  
CEQ# 20070122

Dear Mr. Bennett:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, et. seq., and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the Region 8 office of the Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (DEIS) prepared by the Bureau of Land Management (BLM) on the proposed natural gas liquids pipeline known as the Overland Pass Natural Liquids Pipeline Project (Overland Pipeline Project).

The DEIS assesses the environmental impacts of the installation of a 14-inch diameter pipeline which will be approximately 760 miles long (1,223 kilometers), two above-ground pump stations, one future pump station, seven metering stations, 11 pigging facilities, 144 mainline valves at 92 sites and new electric services for the pump and metering stations. The pipeline will start at the Williams facility in Opal, Wyoming and terminate at Conway, Kansas.

The DEIS considers three alternatives: The No Action; the Proposed Action; and a second action alternative "The Southern Energy Corridor." The Proposed Plan would impact approximately 8,317 acres of land (3,366 hectares) which includes the pipeline right-of-way (ROW), temporary work areas, pump stations and other above-ground facilities. Of the 760 mile long pipeline ROW, 624 miles would be co-located with existing pipelines, utilities or road ROWs. Approximately 136 miles of the proposed route would be newly created ROW.

EPA Region 8 has identified four primary concerns which are outlined in this letter: 1) the need for greater detail and explanation on the pipeline water crossings; 2) impacts due to the hydrostatic pipeline testing water discharge, 3) the need for a more detailed mitigation and monitoring plan; and 4) the need to clearly identify wetland impacts.

**Water crossings**

The document states that the pipeline will cross 97 perennial waterbodies, 789 intermittent water bodies and 13 playas and/or ponds. To facilitate the pipeline crossing these waters, the DEIS has proposed four techniques: the open cut method, horizontal directional drill (HDD) method, flume method, or dam-and-pump method. At this time, the proposed project is using the HDD method on only the Green and South Platte Rivers. EPA supports the HDD crossing method on these two river crossings and would like to see a more detailed evaluation for its use on other rivers that have a width greater than 100 feet with perennial flows. It is EPA's experience that the open cut method has the highest potential for water quality impacts when compared to the HDD method and the other two methods (flume, and dam and pump). An additional concern is Table F-1, Appendix F, which states that the open cut method is going to be used for all water crossings including the Green and South Platt River. This table is inconsistent with a number of statements in the DEIS and should be corrected. Finally, EPA would like to see the FEIS undertake a more robust crossing environmental impact analysis that would look at different methods for crossing waterbodies. This evaluation would look at impacts of not only water quality, but aquatic species, riparian and wetland habitat. EPA's understands that the open cut method in is usually the least costly to undertake, but weighted against other factors it may not be the most desired.

### **Hydrostatic Pipeline Testing**

The DEIS goes into detail on how hydrostatic testing of the pipeline will be implemented and what potential impacts could occur such as "Transfer of Disease and Nuisance Organisms," potential pollutant discharges and reduction in flow rates as water is removed for testing. In reviewing the DEIS and Appendix "C" "Hydrostatic Test Plan," EPA believes that additional information is needed in the FEIS that describes in detail how monitoring will be implemented and what actions will be taken if problems are detected. Appendix "C" in the FEIS should include a detailed monitoring plan and a corrective action plan. We are particularly concerned about the transfer of diseases and nuisance species from one watershed to another, such as whirling disease and zebra mussels. To reduce the potential of this occurring, EPA recommends the applicant commit to returning the hydrostatic test water back to the source waterbody to prevent the transfer of aquatic nuisance species, pathogens or other organisms beyond their watershed of origin.

### **Mitigation of project impacts**

In reviewing the DEIS, EPA could find no descriptive mitigation plan that would be implemented by the proponent to offset project impacts. The document has developed a number of best management actions (BMPs) that the document has labeled as mitigation. An example of this can be found on page 4.5-9. If implemented correctly, these BMPs can greatly reduce the project impacts, but losses to important environmental functions and values will occur in the placement of the Overland Pass pipeline. EPA has identified the following areas where mitigation should be implemented to replace long-term and short-term resource losses:

- The document states that rip-rap or gabion baskets would be used at river crossings where erosion is likely to occur. Each of these actions will cause the loss or impair natural riparian redevelopment. EPA recommends that the document also explore ways to reduce the use of this type of bank hardening and take a less engineered approach to bank protection. This could include log or rock river barbs, vegetative matting and log placements along the bank.
- Table 7-1 "Summary of Irreversible Commitments of Resources by the Proposed Action," states that the Green River, Hams and Black Fork River pipeline crossings could cause "irreversible and

irretrievable” impacts to aquatic habitat. EPA would like to see the FEIS present a conceptual mitigation plan for these crossings and any other crossings that may experience similar loss of aquatic functions and values.

## **Wetlands**

In EPA’s review of section 3.5.1.3 Floodplains, Wetlands/Riparian Zones we believe that this section should include additional information on the location, condition and value of the wetlands that will be affected by the pipeline construction. The FEIS should have at a minimum maps showing the location and type of wetlands along the pipeline corridor. This information can be obtained from the National Wetland Inventory mapping conducted by the U.S. Fish and Wildlife Service. Acreage of pipeline impacts by wetland type would also be useful in evaluating wetland mitigation requirements.

The DEIS references Protection of Wetlands, Executive Order 11990. It should expand on the direction the Executive Order gives to federal land agencies protect and preserve wetlands under their management. The document should explain in more detail the U.S. Army Corps of Engineers’ role in regulating wetland impacts under Section 404 of the Clean Water Act.

Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts in an EIS, the Overland Pass Natural Liquids Pipeline Project will be rated “EC-2” (Environmental Concerns - Insufficient Information). The EC rating indicates that the reviewer has identified environmental impacts that should be avoided in order to protect the environment. These are described in the attached comments. We also recommend additional analysis and information to fully assess and mitigate all potential impacts of the pipeline installation. A copy of EPA's rating criteria is enclosed.

Please call Dick Clark of my staff at (303) 312-6748, or me at (303) 312-6004, with any questions you may have concerning these comments.

Sincerely,

/s/

Larry Svoboda  
Director, NEPA Program  
Ecosystems Protection and Remediation

Enclosure

Detailed Comments  
Overland Pass Natural Liquids Pipeline Project DEIS

Section 1.1 – Introduction

The document does not refer to any facility upgrades or expansion that will be occurring at the Opal, Wyoming or Conway, Kansas facilities. If upgrades and expansions are not going to occur, that should be made clear in the DEIS. If expansions are going to occur, this should be disclosed in the EIS along with the impacts due to these expansions.

Section 1.1- Introduction

The document states that a new ROW would be cleared from Bushton to Mitchell, Kansas. In reviewing the document, this is the only reference to this activity. Because this would be the only area in the 760-mile-long pipeline that a new ROW will be used, the FEIS should include a study evaluating the specific impacts that will occur and if additional pipelines will be using this new ROW in the future.

Section 1.4.6 - U.S. Army Corps of Engineers Section 404 Nationwide Permits under the Clean Water Act

As explained in this section, a number of Nationwide permits would be needed to allow for the discharge of fill material into waters of the U.S. Under the current Nationwide permit program each one of these Nationwide permits has specific restrictions, and national and regional conditions to assure minimal project impacts occur to waters of the U.S. It would be useful to the decision makers and reviewers if these restrictions and conditions are listed in the FEIS along with which Corps District will be responsible for which portions of the pipeline construction.

Table 3.10-1- Status of Native American Consultation

EPA would like to commend BLM for the work that was done in coordinating the Overland Pipeline project with Native Tribes that may be affected by the placement of pipeline. Table 3.10-1 shows this effort. EPA would like any additional information in BLM's work with the Tribes from the time of issuance of the DEIS to issuance of the FEIS to be included in the FEIS.

Section 3.8.1 – Aesthetics (Visual and Noise)

We recommend including a discussion to clarify if the future pump station at WaKeeney will increase noise levels at the Noise-Sensitive Area #1 beyond what is projected by the proposed meter station.

Water 7: page 4.5-10

The document states, "On federal land, Overland Pass shall reduce the total construction ROW width to 60 feet in riparian and wetland areas." EPA would like to see this restriction on all riparian and wetland areas, or explain why this protection is not needed on private lands.

#### Section 4.5 – Surface Water Crossings

We recommend using directional drilling for crossing the North Platte, the Hamsfork and the Blackfork Rivers. Previous pipeline open cut crossings have created hardened areas in the river bottom, which have resulted in adverse affects by changing the channel and streambank morphology and affected the aquatic population. In addition, the cumulative effects of additional open trench crossings should be analyzed for permanent impacts on the river ecosystems.

##### 4.7.1.2 – Aquatic Resources, *The Construction, Reclamation, and Revegetation*, page 4.7-7

The document states, “Temporary Work Areas (TWA) would be located at least 50 feet from the water’s edge of perennial and intermittent waterbodies on federally managed lands and at least ten feet on non-federally managed lands.” EPA believes that the ten foot buffer, being proposed, is not adequate to assure the protection of adjacent waterbodies from activities occurring at the TWAs. EPA would like to see the ten foot buffer increased on private lands to 50 feet as proposed on federal lands, or the FEIS should clearly explain why two different standards are being applied.

##### Table 4.7-2 - Impacts for Special Status Species

Please provide a key to the table explain the meaning of MA, NE, MI, and NI and others in the table.

##### Section 4.8.1.3 – Residential/Commercial

We recommend that the contractor provide a minimum of 72-hour notice to all landowners prior to construction near a residence or business. Mitigation measure Land-10 states that all landowners will be provided notice prior to construction near a residence. The amount of notice should be clarified in the document and should provide adequate time for the landowners to make appropriate arrangements to accommodate the construction on their property.

##### Section 5.1 – Cumulative Impacts

We recommend including the Rockies Express Pipeline (REX West) project in the cumulative effects. Although REX West diverges from the Overland Pass pipeline near the Colorado-Nebraska border, the lines follow parallel paths crossing similar habitat areas and watersheds.

##### Section 5.1 – Cumulative Impacts

We recommend including a discussion regarding the river channel impacts from multiple open cut crossings occurring on the same river. The current discussion addresses stream bank stabilization and poor crossing locations, but is missing the potential permanent impacts on the river channel morphology and their effects on the aquatic species and river ecosystem.

##### Table F-1 - Waterbodies Crossed by the Proposed Overland Pass Pipeline

The Table has proposed to use the open cut method for all crossings. This is inconsistent with text that is found in the DEIS. Furthermore, as stated in EPA’s cover letter, we believe that the open cut method is the least desirable of any of the four methods proposed in the document.

EPA would like to see a more detailed evaluation of each water body crossing and an evaluation of the impacts for each. A detailed analysis is necessary for deciding which type of crossing should be proposed.